

ISSUE PAPER

TOPIC: Fansteel Metals (OKD007221831)

ISSUE: Regulatory Jurisdiction

TIMING: The Region 6 Superfund Site Assessment Section is evaluating the site for the National Priorities List (NPL) and has initiated a Listing Site Inspection (LSI).

CONCERNED GROUPS: EPA, Nuclear Regulatory Commission (NRC), Oklahoma State Department of Health (OSDH), Oklahoma Water Resources Board (OWRB), Fansteel Metals (PRP).

BACKGROUND: ° Fansteel Metals was a manufacturer of refractory metals. The plant was closed in December 1989, after 30-years of operation.

° They produced tantalum and niobium from uranium and thorium; and which are used in the semi-conductor industry.

° Twelve ponds exist on-site; two of which have received radioactive wastes. In June 1989, approximately 90,000 gallons was released to the Arkansas River from pond #3 (one of the two ponds containing radioactive wastes). Some of the spill was recovered, treated and returned to pond #3. Most, however, was lost. Region 6 Emergency Response Branch responded to the spill and has been monitoring the removal action.

° The facility is currently operating under an expired NRC license with timely renewal. This means, Fansteel applied for their license before it actually expired. The license expired in 1986.

° Fansteel also operates under a NPDES permit, which is also currently up for renewal.

DISCUSSION: A meeting (February 15, 1990) between EPA, OSDH, ORWB, and Fansteel Metals was arranged by the Emergency Response Branch (attendance list is attached) to discuss the June 1989 spill and current remedial actions being undertaken by the facility.

The meeting was arranged upon requests from Fansteel to discuss the proposed remedial actions. Fansteel is proceeding with a Remedial Investigation and has requested oversight by the Region.

The Site Assessment Section has initiated a LSI for this site, under the belief that NRC did not have jurisdiction over the entire site and over nonradioactive contaminants at the site. At the February 15th meeting the NRC representative raised the fact that the NRC considers the entire plant (except for one building) to be under their jurisdiction.



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Oklahoma is not a NRC delegated state therefore, with regards to remedial action at this site the EPA should defer to the NRC. However, the Site Assessment Section needs to obtain further information from the NRC before we can completely justify a deferral. The NRC Project Officer in Rockville, Maryland has been contacted he is working with the Region to obtain the needed information.

1. A clear description of the NRC licensed facility.
2. Does the NRC regulate radioactive materials or all hazardous constituents? NRC has the capabilities to conduct remedial action on any contamination identified at one of their sites, however, historically, they only look at radiation. The Region should request verification that NRC will remediate all contamination, both radioactive and hazardous wastes, prior to deferral.

Depending on the jurisdiction decision several options are open to the Region:

- A. Complete NRC deferral, but maintain some Regional oversight of Fansteel remedial activities.
- B. Complete NRC deferral, no EPA oversight.
- C. Partial NRC deferral, Region continues with LSI.  
An interesting prospect could also come under this option. Since Fansteel is proceeding with a Remedial Investigation, the Region could use their data for the LSI and collect splits, rather than using EPA funds to install wells, conduct geophysical surveys, etc.

IMMEDIATE ISSUES: A workplan meeting is currently scheduled for March 9, 1990, in the Region with representatives from Fansteel to discuss their draft RI/FS workplan. Attendees will include William Rowe and Deborah Vaughn-Wright from Superfund, Hank May from Regional Radiation Office, representative from OSDH, OWRB, and several Fansteel contractors. The Site Assessment Section would like to proceed with this meeting under the belief that the site is still under EPA jurisdiction. This would enable the EPA to still have some input into the Fansteel RI/FS no matter what the eventual jurisdictional decision.

prepared by: Deborah A. Vaughn-Wright  
February 27, 1990

# Attendance list

02/15/90

|                       |                                      |                |
|-----------------------|--------------------------------------|----------------|
| JIM Mullins           | EPA - Emer. Resp.                    | 214-655-2273   |
| Barbara Luke          | " Atty                               | 655-2120       |
| JACK BEARD            | COUNSEL FANSTEEL                     | 412-355-6451   |
| T.S. CARLILE          | FANSTEEL - GENERAL Manager           | 918-687-6303   |
| ROY Kuis              | COUNSEL Fansteel                     | 412-355-8614   |
| Peter Kalis           | Counsel Fansteel                     | 412-355-6562   |
| GARY BERMAN           | EARTH SCIENCES - FANSTEEL CONSULTANT | 412-733-3000   |
| T. Cecil Carlson      | EMERGENCY RESPONSE                   | (214) 655-2273 |
| Deborah Vaughn-Wright | Superfund Site Assessment            | (214) 655-6740 |
| Barbara Driscoll      | "                                    | (214) 655-6740 |
| Brooks Kirlin         | OKla. Water Resources Board          | (405) 271-2541 |
| William Rowe          | EPA - Superfund Rep.                 | 214/655-6730   |
| Dale McHard           | OKla. State Dept of Health           | 405/271-5221   |
| Hank May              | EPA - Radiation Representative       | 214-655-7208   |
| William L. Fisher     | NRC Region IV                        | (817) 860-8215 |
| RALPH Corley          | EPA - LOCAL                          | 214 655-2125   |
| Cecilia KERNODE       | EPA - WATER ENFORCEMENT              | 214/655-6470   |
| JOHN HUNTER           | FANSTEEL                             | 918-687-6303   |